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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,688	10/05/2001	Christos J. Georgiou	85773-259CIP	8979
30743	7590	08/31/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/682,688

Applicant(s)

GEORGIU ET AL.

Examiner

Joshua Joo

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-17 and 20.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued that (1) Gamo does not teach of related data frames dispatched to the same thread unit because a) the objects of Gamo are not data frames, b) the objects of Gamo comprise executable code and the objects must be able to communicate with one another for proper execution, c) the threads of Gamo are necessarily software or instruction threads, and are not hardware threads; (2) Claim 20 teaches that each processor provides only inbound or outbound processing, not both, as in the Hartman reference, the processors are each fully capable of converting to and from a generic type of protocol; and (3) Irwin does not teach protocol conversion in a multiprocessor apparatus.

Examiner traverses the arguments:

As to point (1), Irwin and Hartman teach of protocol conversion of data frames (Hartman; Column 2, lines 38-42, 65-68), where processes are performed on hardware thread units (Irwin; Column 7, lines 15-20, 40-62). Irwin and Hartman do not specifically teach that the related data frames are dispatched to the same hardware thread.

However, Gamo does teach the concept of performing an operation on the same thread, thus Gamo was made in combination with the teachings of Irwin and Hartman. Therefore, even though the threads of Gamo may not be hardware as argued by the Applicant, Irwin teaches that the threads are hardware, and even though the objects of Gamo may not be data frames, Hartman teaches that the objects are data frames. Gamo merely teaches that an operation may be performed on the same thread. The deficiencies of Gamo, as argued by the Applicant, are taught by Irwin and Hartman. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As to point (2), Hartman further teaches that:

Figure 5; Column 8, lines 31-36, "Thus, a first packet processor 502 converts a packet in a first packet format to the generic format and places the data in the generic format on the bus 512. A second packet processor 502 receives the packet data in the generic format and converts the data to a desired second packet format."

Column 8, lines 28-29, "As noted above, each port adaptor 502 includes a communication port for receiving/transmitting data."

Therefore, Hartman's teaches that a first packet processor provides inbound processing and a second processor provides outbound processing in system with a plurality of processors as claimed by the Applicant. Even though each processor may be fully capable converting to and from a protocol as argued by the Applicant, Hartman teaches that each processor may perform a single function. Furthermore, Applicant's arguments that each processor is capable of providing only inbound or outbound processing is not claimed. The claim states "a first processor provides inbound... second processor provides outbound..." etc..., thus the claim does not state that each processor is incapable of providing both inbound and outbound processing. It is noted that the features upon which applicant relies (each processor providing only inbound or outbound) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to point (3), Irwin does not specifically teach of protocol conversion, thus claim 1 was rejected Irwin in view of Hartmann and Nikhil.

Hartman teaches: Column 2, lines 37-40, "each of the port adapters are configurable for converting between different types of communication packet formats." Column 2, line 65-67, "The system further includes a plurality of protocol converters or protocol processors." Therefore, Hartman clearly teaches of protocol conversion in a multiprocessor apparatus.